

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-2659

UNITED STATES OF AMERICA

v.

TAIWAN AUSTIN,
Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
D.C. Criminal No. 01-cr-00291-1
(Honorable William W. Caldwell)

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 26, 2004

Before: SCIRICA, *Chief Judge*, FISHER and BECKER, *Circuit Judges*

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on October 26, 2004. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of conviction and sentence of the District Court entered June 2, 2003, be, and the same is hereby affirmed insofar as it pertains to the conviction. The sentence is vacated and the case is remanded for proceedings consistent with this opinion. All of the above in accordance with the opinion of this Court.

ATTEST:

Marcia M. Waldron

Clerk

DATED: April 13, 2005

Certified as a true copy and issued in lieu
of a formal mandate on 5/5/05

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit